

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

XEROX CORPORATION

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Plaintiff

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v.

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PHOENIX COLOR CORPORATION

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Defendant

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Civil Action No.: WDQ 02 CV 1734

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SECOND AFFIDAVIT OF ROSALIA T. GIANOLA

I hereby certify under the penalties of perjury, that the following statement is true and correct:

1. I am Rosalia T. Gianola, and am employed by Xerox as a Paralegal, and legal liaison.
2. I am competent to be a witness and have personal knowledge of the facts and matters set forth herein.
3. I have reviewed the Motion for Partial Summary Judgment of the Plaintiff, Xerox Corporation, and hereby affirm under the penalties of perjury that the information set forth therein is true and correct according to the books and records of Xerox Corporation, and also according to my personal knowledge.



4. I have personal knowledge as to the business records generated and maintained by Xerox in the ordinary course of its business, including contracts, accounting records, and invoices.

5. Exhibit 1, assembled into a binder, and filed with Plaintiff's Motion for Partial Summary Judgment, was compiled by me in the ordinary course of my employment with Xerox, and accurately reflects the balance due and owing as to the contracts set forth therein.

6. Additionally, the spreadsheets that constitute part of Exhibit 1, were prepared by me in the ordinary course of my employment with Xerox, and for the convenience of this Court and the Defendants, and are summaries of voluminous records generated and kept by Xerox in the ordinary course of its business.

7. The Xerox records that I used to compile the spreadsheets contained within Exhibit 1, are records of regularly conducted business activities, generated and maintained in the course of regularly conducted business by Xerox, and which were already produced by me during discovery.

8. Furthermore, the Xerox records that I relied upon and used to compile Exhibit 1, including the spreadsheets, consists of Xerox contracts, accounting records, and invoices, which were all created and stored by Xerox employees responsible for generating and transmitting these records in the ordinary course of their employment with Xerox, at or near the time of the occurrence of the matters set forth therein.

9. I have personal knowledge that the information contained within Exhibit 1 is true and correct.

10. The balance due and owing Xerox Corporation by Phoenix Color Corporation

is \$1,966,668.00 (One Million Nine Hundred Sixty-Six Thousand Six Hundred and Sixty-Eight Dollars).

11. I calculated the amount stated in paragraph ten above, by adding the outstanding invoices which correspond to the signed contracts that were already produced during discovery, and which were also included in Exhibit 1.

12. I have personal knowledge of the facts alleged in this affidavit.

13. I hereby certify under the penalties of perjury that the facts set forth in the above affidavit are true and correct, and are based upon my personal knowledge.

/S/

Rosalia T. Gianola

Date

is \$1,966,668.00 (One Million Nine Hundred Sixty-Six Thousand Six Hundred and Sixty-Eight Dollars).

11. I calculated the amount stated in paragraph ten above, by adding the outstanding invoices which correspond to the signed contracts that were already produced during discovery, and which were also included in Exhibit 1.

12. I have personal knowledge of the facts alleged in this affidavit.

13. I hereby certify under the penalties of perjury that the facts set forth in the above affidavit are true and correct, and are based upon my personal knowledge.

Rosalia T. Gianola

Date

5/8/03